

# Notice of Allowability

Application No.

10/733,298

Examiner

Barbara J. Musser

Applicant(s)

HONG, CHIN-TAN

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/26/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**JIANCHUAN YAO**  
**PATENT EXAMINER**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Morton Rosenberg on 9/26/05.

The application has been amended as follows:

In claim 1, line 11, "; a logo printed on the" has been changed to --, in combination with a source of heat-shrinkable film having a logo thereon, said--, in line 12, "(" and ")" have been deleted, in lines 12-13 "at where required" has been deleted, in line 13, "and" has been changed to --whereby--, and "merely falling" has been changed to --falls--, and in line 14, "being" has been changed to --are--.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or fairly suggest a device for positioning the label on a square bottle made of two sections wherein the upper section is capable of revolving relative to the bottom section to adjust its angle and be secured therein so that the folding marks on the label fall on the corners of the bottle in combination with a heat-shrinkable film. In combination with a heat-shrinkable film requires the material worked upon, the heat-shrinkable film, to be part of the claimed device. While Hannen et al.(U.S. Publication

2004/0112016) suggests applying the label to the bottle so that the folding marks fall on the corners of the bottle,(Figure 6) it does not suggest how this is done. Fujio(U.S. Patent 4,016,704) and Smith(U.S. Patent 4,102,728) both show a device with a flattened wedge at the top which opens a label to apply to a bottle. While Fujio shows a conical upper section(22; Figure 1), it does not show this is movable relative to a lower section. Smith shows applying a label to a rectangular bottle, but the upper(120) and lower(129) sections are not conical or cylindrical, the sections of the device are not capable of revolving relative to one another, and the folds from the label do not fall on the corners of the bottle(Figure 4). While Konstantin et al.(U.S. Patent 4,765,121) shows two sections of the label opening device connected to each other by a screw(45), these are not upper and lower section which are respectively conical and cylindrical(9, Figure 2) but rather connect flat plates(42,43) to the rollers(12,13) which hold the label in place on the device. This connection does not allow movement of the conical section relative to the cylindrical section since Konstantin shows they are a single piece(9, Figure 2)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571)


Art Unit: 1733

272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BJM

  
**SHICHUAN YAO**  
**PATENT EXAMINER**